

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Pedro Carrillo,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 8:07-3801-TLW-BHH
)	
Warden FCI Estill,)	
)	
Respondent.)	
_____)	

ORDER

Petitioner Pedro Carrillo (“petitioner”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, pro se, on November 19, 2007. (Doc. #1). The case was referred to Magistrate Judge Bruce Howe Hendricks pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce Howe Hendricks, to whom this case had previously been assigned. (Doc. #11). In the Report, Magistrate Judge Hendricks recommends that petitioner’s Petition for a Writ of Habeas Corpus be dismissed *without prejudice* and without issuance and service of process upon Respondent. (Doc. #11). The petitioner has filed objections to the Report. (Doc. #12).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or

specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #11). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that petitioner's Petition for a Writ of Habeas Corpus be dismissed *without prejudice* and without issuance and service of process upon Respondent.

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
United States District Judge

October 30, 2008
Florence, South Carolina